

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**ANGIOSCORE, INC.,**

**Plaintiff,**

**vs.**

**TRIEME MEDICAL, INC., et al.,**

**Defendants.**

**Case No.: 12-CV-3393 YGR**

**ORDER DENYING WITHOUT PREJUDICE  
 PLAINTIFF'S REQUESTS FOR DISCOVERY  
 RELIEF**

On January 27, 2014, Plaintiff AngioScore Inc. submitted six partial letter briefs. (Dkt. No. 157, Exs. 1-6.) Each partial letter brief raises a distinct discovery dispute in the nature of a motion to compel under Federal Rule of Civil Procedure 37(a). Each letter brief is incomplete in that each contains only Plaintiff's submission, whereas paragraph 8(b) of the undersigned's Standing Order in Civil Cases requires a joint submission. Plaintiff represents that it filed the partial letter briefs "[i]n a good faith effort to comply with both Local Rule 37-3 and the Court's Standing Order and to preserve its rights . . . ." (Dkt. No. 157 at 1.)<sup>1</sup> Plaintiffs represent that they have scheduled a meet-and-confer

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<sup>1</sup> Civil Local Rule 37-3 provides, in pertinent part: "Where the Court has set separate deadlines for fact and expert discovery, no motions to compel fact discovery may be filed more than 7 days after the fact discovery cut-off, and no motions to compel expert discovery may be filed more than 7 days after the expert discovery cut-off." Here, the Court set separate fact and expert discovery cut-offs. (Dkt. No. 93.) The fact discovery cut-off was January 17, 2014. Accordingly, any motion to compel fact discovery was due January 24, 2014. However, on January 24, 2014, the United States Courts' website suffered a denial of service attack that rendered its electronic case filing (ECF) function inoperative throughout the day. The Court declared a technical failure pursuant to Civil Local Rule 5-1(e)(5). Plaintiff submitted a compliant declaration pursuant to that Rule. (Dkt. No. 157-7.) Accordingly, the Court deems Plaintiff to have filed its motions timely for purposes of Civil Local Rule 37-3.

1 with Defendants for the afternoon of January 27, 2014. Plaintiffs further state that they request the  
2 Court consider joint briefs filed no later than January 31, 2014.


3 Paragraph 8(b) of the undersigned's Standing Order provides that parties shall seek discovery  
4 relief in *one* letter brief of not more than four pages; that the brief shall be filed *jointly*; and that the  
5 parties shall meet and confer *before* filing any such letter brief. Accordingly, Plaintiffs' partial letter  
6 briefs being procedurally and formally defective, the Court **DENIES** all six. This denial is **WITHOUT**  
7 **PREJUDICE** to the parties' filing a single *joint* letter brief of no more than four pages. Any such letter  
8 brief shall outline all the discovery issues which still require judicial intervention, consistent with the  
9 undersigned's Standing Order. After any such brief is filed, the Court shall determine whether further  
10 briefing, a hearing, referral to a magistrate for discovery purposes, or appointment of a discovery  
11 master at the parties' expense shall be required.

12 This Order terminates Docket No. 157.

13 **IT IS SO ORDERED.**

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15 Dated: January 30, 2014

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YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE